

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2010110381

ORDER GRANTING MOTION TO  
DISMISS ISSUE FOUR

On November 5, 2010, Student filed a due process hearing request naming District as the respondent. Issue Four of the due process hearing request alleged that by depriving Student of a FAPE, District also violated the “ADA, Section 504, and the Unruh Act.” On November 18, 2010, District moved to dismiss Issue Four on the ground OAH lacked jurisdiction. No opposition was received. As discussed below, Issue Four is outside OAH jurisdiction and subject to dismissal.

Although special education law does not provide for a summary judgment procedure, OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (e.g., civil rights claims, section 504 claims, enforcement of settlement agreements, incorrect parties, etc.....). Here, Student’s Issue Four alleges violations of state and federal civil rights law that are beyond the scope of OAH’s limited jurisdiction to hear IDEA claims. Accordingly, the motion is granted. Issue Four is dismissed.

IT IS SO ORDERED.

Dated: November 30, 2010

/s/

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RICHARD T. BREEN  
Administrative Law Judge  
Office of Administrative Hearings